

ELECTION

Applicants hereby elect Examiner designated group I, claims 38 – 58 as explained hereafter, directed to pad for use with a continent ostomy port. Applicants traverse the restriction requirement.

REMARKS

With careful attention to the Examiner's action dated July 13, 2004, the Applicants have made an election of Group I. However, this election is with traverse as the requirement comes after an allowance of the claims in Group 3, Claims 67 through 69 in the previous Office Action. See page 5, paragraph 10 of the Action dated October 2, 2003. It is not understood how a restriction can be imposed after allowance of claims with no explanation whatsoever from the Examiner. Further, the Applicant suspects perhaps the Examiner does not entirely understand that the Claims of sets 2 and 3 all relate to the claims of the first group. All of the pad claims are restricted to use of the pad with a continent ostomy port and should be viewed only as functioning in conjunction with that device, not in and of themselves.

On page 3 of the Action in the first paragraph the Examiner states that "in the instant case the product as claimed can be used in a materially different process such as a process for cleaning the floor." And in the second paragraph the Examiner states "in the instant case the process for using the product as claimed can be practiced with another materially different product such as a bunion or corn foot pad." Applicants submit that in view of the disclosure and what is well known in the art regarding continent ostomy ports in the field of ostomy generally, these statements are ridiculous.

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A pad for use with ostomy device could not be large enough to be useful for floor cleaning, as a floor cleaning pad is well known to be approximately two feet across or more. There are no known ostomy devices of such size. Further, a bunion or corn foot pad is well known to be approximately ½ inch in diameter, again, such size would not ordinarily be useful for an intestinal ostomy port. As stated, the pad herein is limited to use with a continent ostomy port. Thus, Applicants submit that the Examiner is simply wrong in the statement that inventions 1 and 2 are related as product in process of use and that inventions 2 and 3 are related as product in process of use. The inventions are not distinct for the reasons given by Examiner and they have not acquired a separate status in the art. Applicants respectfully traverse the rejection. Accordingly, it is requested that the restriction requirement be removed. In the event that the requirement is not removed, it is requested that the remaining claims of groups 2 and 3, while not being examined immediately be allowed to remain in the application for purposes of a possible divisional application later during prosecution.

Conclusion

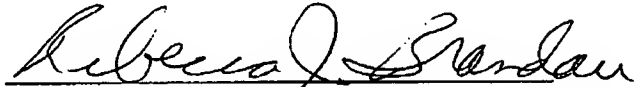
It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone the undersigned at the number provided.

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Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,



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